

HOUSE No. 4349

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 30, 2012.

The committee on Ways and Means, to whom was referred the Senate Bill relative to oral cancer therapy (Senate, No. 2363), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4349.

For the committee,

BRIAN S. DEMPSEY.

HOUSE No. 4349

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17I
2 the following section:-

3 Section 17J. Any coverage offered by the commission to an active or retired employee of
4 the commonwealth insured under the group insurance commission that provides coverage for
5 cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
6 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less
7 favorable than intravenously administered or injected cancer medications that are covered as
8 medical benefits. An increase in patient cost sharing for anticancer medications shall not be
9 allowed to achieve compliance with this section. Nothing in this section shall be interpreted to
10 prohibit the commission from requiring prior authorization or imposing other appropriate
11 utilization controls in approving coverage for any chemotherapy. The commission is in
12 compliance with this section if it does not include all orally administered anticancer medications
13 in the top tier of its pharmacy benefit.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47AA the following section:-

Section 47BB. Any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth that provides medical expense coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical benefits. An increase in patient cost sharing for anticancer medications shall not be allowed to achieve compliance with this section. Nothing in this section shall be interpreted to prohibit an insurer from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy. An insurer is in compliance with this section if it does not include all orally administered anticancer medications in the top tier of its pharmacy benefit.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section 8DD the following section:-

Section 8EE. Any contract between a subscriber and the corporation under an individual or group hospital service plan which is delivered, issued or renewed within the commonwealth that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical benefits. An increase in patient cost sharing for anticancer medications shall not be allowed to achieve compliance with this section. Nothing in this section shall be

interpreted to prohibit a non-profit hospital service corporation from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy. A non-profit hospital service corporation is in compliance with this section if it does not include all orally administered anticancer medications in the top tier of its pharmacy benefit.

SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after section 4DD the following section:-

Section 4EE. Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical benefits. An increase in patient cost sharing for anticancer medications shall not be allowed to achieve compliance with this section. Nothing in this section shall be interpreted to prohibit a non-profit medical service corporation from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy. A non-profit medical service corporation is in compliance with this section if it does not include all orally administered anticancer medications in the top tier of its pharmacy benefit.

SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after section 4V the following section:-

Section 4W. Any individual or group health maintenance contract that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less

favorable than intravenously administered or injected cancer medications that are covered as medical benefits. An increase in patient cost sharing for anticancer medications shall not be allowed to achieve compliance with this section. Nothing in this section shall be interpreted to prohibit a health maintenance organization from requiring prior authorization or imposing other appropriate utilization controls in approving coverage for any chemotherapy. A health maintenance organization is in compliance with this section if it does not include all orally administered anticancer medications in the top tier of its pharmacy benefit.

SECTION 6. Sections 1 to 5, inclusive, shall apply to all policies, contracts and certificates of health insurance subject to section 17J of chapter 32A, section 47BB of chapter 175, section 8EE of chapter 176A, section 4EE of chapter 176B and section 4W of chapter 176G of the General Laws which are delivered, issued or renewed on or after January 1, 2013.